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Supreme Court, U.S.  
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No. 08-1005

IN THE  
Supreme Court of the United States

Janet A. Adams

*Petitioner*

v.

Judith A. Goldsmith

*Respondent*

On Petition For Writ of Certiorari  
To The District Court of Appeal, First District,  
Tallahassee, Florida

PETITION FOR REHEARING  
OF PETITION FOR WRIT OF CERTIORARI

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## **ARGUMENT FOR GRANTING REHEARING**

The substantial grounds not previously presented, as required by the U.S. Supreme Court Rule 44(2), are:

1. Lawyers are being allowed to decide when to dismiss a case, even without client's knowledge or permission.
2. Two different lawyers are being allowed to amend the U.S. Constitution and remove rights rather than amending the constitution by congress passing a bill and two-thirds of the states ratifying the bill,

**Both these substantial grounds will turn the legal system upside down!**

### **A. BRIEF INTRODUCTION TO CASE:**

- a. An order was originally obtained by Petitioner's former attorney after he lied and deceived the court (i.e. fraud upon the court) saying Petitioner waived a hearing, withdrew her objections in the case, and agreed to dismiss the case with prejudice. All are lies!

Case law shows after 'fraud upon the court' occurs, all subsequent orders entered from that court are void, including the order Petitioner's attorney obtained by deceiving the court.

- b. CURRENTLY, Respondent's attorney is USING that void order to try to dismiss a new case among the same parties, which would take away Petitioner's rights to due process, essentially amending the U.S. Constitution (without congress involved).

Lawyers are not empowered to amend the Constitution!

- c. Petitioner moved the deceived judge to set aside the void order, and motion was denied. It was appealed to DCA, which should have stepped up and used its inherent powers to set aside this void order.
- d. The DCA had authority to set aside the void order but refused to do so. And because they gave no written opinion, Petitioner was barred from appealing to the Florida Supreme Court.

#### B. COURT AUTHORITY TO SET ASIDE:

Court authority is found in Twining v. New Jersey, 211 U.S. 78, 29 S.Ct. 14, 24 (1908) ("Due Process requires that the court which assumes to determine the rights of parties shall have jurisdiction" citing Old Wayne Mut. Life Assoc. v. McDonough, 204 U.S. 8, 27 S. Ct. 236 (1907); Scott v. McNeal, 154 U.S. 34, 14, S. Ct. 1108 (1894); Pennover v. Neff, 95 U.S. 714, 733 (1877)).

### C. WHAT IS PETITIONER ASKING?

- a. Petitioner wants this Court to step up and use its inherent power and set aside this void order.

That action will stop lawyers from amending the U.S. Constitution and taking away due process rights, AND will stop lawyers from deciding whether or not to dismiss a case. Currently client's get to decide whether or not to dismiss a case, **not lawyers.**

- b. IF THIS ORDER IS NOT SET ASIDE, then due process dating back to the Magna Carta has essentially been removed from the U.S. Constitution whenever a lawyer decides to either (1) to dismiss a case without client's knowledge or permission, or (2) use a void order to take away someone's rights that are guaranteed by the U.S. Constitution.

### D. TURNING THE U.S. JUDICIAL SYSTEM UPSIDE DOWN!

- a. Law schools in the future will use this case and teach how an attorney can, at whim, lie to the court that client waived a hearing and agreed to dismiss the case with prejudice, and whenever the judge fails to ask for proof :::poof::: the case is over.

- b. The public will lose a way to be made whole when their case is dismissed without their knowledge or permission.
- c. Case law and all state rules currently hold that it is the client's decision whether or not to dismiss a case, so all states will need to change their Rules of Professional Conduct, and all the relevant case law (showing it is client's decision to dismiss) will be thrown out the window.

## CONCLUSION

*This is a pivotal case.*

Petitioner asks that her Petition for Writ of Centiorari be reheard.

The U.S. legal system simply cannot allow lawyers to either (a) amend the U.S. Constitution, removing rights, or to (b) decide whether or not a case gets dismissed (it is client's decision).

These changes will be catastrophic and major, to the entire justice system and for all people that use it!

Respectfully submitted,

/s/ Janet A. Adams